

Senate Bill 280 on Second Reading

On motion of Senator Vick, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 280, A bill to be entitled "An Act to provide that insurance companies and associations operating under S. B. No. 135, Acts of the Regular Session of the Forty-sixth Legislature may pay from the mortuary funds any taxes assessed against them because of income to such funds; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 280 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 280 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Fain	Ramsey
Graves	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick	Kelley
Cotten	Lemens
Formby	Shivers
Hazlewood	Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Bullock
Beck	Fain
Brownlee	Graves

Jones	Morris
Lane	Ramsey
Lanning	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield
Moffett	York

Nays—1

Moore

Absent—Excused

Chadick	Kelley
Cotten	Lemens
Formby	Shivers
Hazlewood	Spears

Adjournment

On motion of Senator Martin, the Senate, at 1:35 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, April 19, 1943.

FIFTY-FOURTH DAY

(Monday, April 19, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 17, 1943, was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Fain was granted leave of absence for today on account of important business, on motion of Senator Sulak.

Reports of Standing Committees

Senator Lovelady submitted the following reports:

Austin, Texas,
April 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred H. B. No. 256, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

LOVELADY, Chairman.

Austin, Texas,
April 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred H. B. No. 257, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

LOVELADY, Chairman.

Senator Chadick submitted the following report:

Austin, Texas,
April 19, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 170, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHADICK, Chairman.

Senator Vick submitted the following report:

Austin, Texas,
April 19, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred H. B. No. 166, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Senate Concurrent Resolution 48

Senator Bullock offered the following resolution:

S. C. R. No. 48, Granting permission to Ed Davis and wife, Cora Lee Davis to sue the State.

The resolution was read and was referred to the Committee on State Affairs.

Senate Resolution 79

Senator Shivers offered the following resolution:

Whereas, Mrs. George T. Jester, of Corsicana, widow of former Lieutenant Governor George T. Jester, and mother of Beauford Jester, chairman of the Railroad Commission, is now in the City of Austin; and

Whereas, On Wednesday, April 21st, Mrs. Jester will have reached another milestone in her journey through life; and

Whereas, Her trust in others has inspired confidence in her; and

Whereas, It is the desire of the Membership of the Senate to extend to Mrs. Jester special greetings, and to wish for her many more "Happy Birthdays"; now, therefore, be it

Resolved, That Mrs. Jester be invited to address the Senate at her convenience, and be given the privileges of the floor while she is in the city.

SHIVERS,
COTTEN.

The resolution was read; and by unanimous consent, it was considered immediately.

The resolution was adopted.

Senate Bills Tabled

On motion of Senator Lovelady, S. B. No. 108 and S. B. No. 138 were tabled.

Report of Standing Committee

Senator Moffett, by unanimous consent, submitted at this time the following report:

Austin, Texas,
April 19, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. C. R. No. 48, have had same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Senate Concurrent Resolution 48

On motion of Senator Bullock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 48, Granting permission to Ed Davis and wife, Cora Lee Davis, to sue the State.

The President laid the resolution before the Senate, it was read second time and was adopted.

Senate Joint Resolution 5 on Third Reading

The President laid before the Senate on its third reading and final passage:

S. J. R. No. 5, Proposing an amendment to the Constitution of the State of Texas by amending Sections 1, 16, 18, 24, and 28 of Article 5, Section 40 of Article 16, Section 56 of Article 3, and revoking and repealing Section 19 of Article 5, so as to do away with constables.

The resolution was read third time.

Pending consideration of the resolution, President pro tempore Mauritz occupied the Chair temporarily.

(President in the Chair.)

The resolution failed of adoption by the following vote (not receiving the necessary two-thirds vote of the Senate's entire membership):

Yeas—15

Aikin	Moore
Beck	Morris
Bullock	Ramsey
Cotten	Shivers
Graves	Sulak
Lanning	Weinert
Mauritz	Winfield
Metcalfe	

Nays—11

Brownlee	Martin
Chadick	Moffett
Hazlewood	Stone
Jones	Vick
Lane	York
Lovelady	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senate Bill 350 on First Reading

Senator Moore moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The following bill then was introduced, read the first time, and referred to the committee indicated:

By Senator Moore:

S. B. No. 350, A bill to be entitled "An Act providing that in all incorporated cities and towns containing more than two hundred ninety-three thousand (293,000) inhabitants according to the last preceding or any future Federal Census, the governing body shall have power to lay out, acquire and/or construct any Section or portion of any street within its jurisdiction as a freeway under certain circumstances; defining the term 'freeway'; conferring the right to close streets or to make provision for carrying any street over or under or to a connection without the freeway; providing for the power of condemnation of the right of access to an existing public street when converted into a freeway; repealing all laws in conflict."

To Committee on Counties.

Conference Committee on Senate Bill 155

The President announced the appointment of the following conferees on the part of the Senate on S. B. No. 155:

Senators Weinert, Ramsey, Moore, Lovelady, and Lane.

Senate Concurrent Resolution 38

The President laid before the Senate for consideration at this time:

S. C. R. No. 38, Relating to post-war objectives of United Nations.

The resolution was read second time and was adopted.

Senate Bill 6 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 6, A bill to be entitled "An Act to amend Article 4769, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

The bill was read second time.

On motion of Senator Graves, the bill was tabled subject to call.

Senate Bill 97 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 97, A bill to be entitled "An Act amending Chapter 287, page 676, Acts of the Regular Session of the Forty-fourth Legislature, 1935, (otherwise known as Article 4582a), fixing the powers and duties of the State Board of Embalming so as to prescribe and maintain a standard of proficiency as to the qualifications of those engaged and who may engage in the practice of funeral directing in connection with the care and disposition of dead human bodies by providing that said State Board of Embalming shall adopt rules, regulations, and by-laws for the examination and licensing of funeral directors and the practice of funeral direction; and for the renewal and revocation by said State Board of Embalming of said licenses; providing for fees to be charged and the disposition thereof; defining the term 'funeral director' fixing the qualifi-

cations of persons eligible to make application for examination to be funeral directors and providing for the manner of their licensing as such; fixing the requirements for the preparation room to be used in connection with the business of funeral directing and where dead human bodies are prepared, other than by embalming, for burial; defining the occupation of funeral directing; providing for penalties for the violation of this Act and the rules to be prescribed by the State Board of Embalming under and by virtue of the powers vested in it by this Act; repealing all laws in conflict herewith; providing a savings clause; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 97, page 5, Section 7, Subsection (s), paragraph 4, by striking out the following language, in lines 39, 40, and 41:

"In such suit the burden shall be upon the plaintiff, or appellant, to show cause for the reinstatement of his license, and."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 97 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 97 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Nays—1

Moore

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 97, by striking out the following in lines 39 and 40, page 4:

"Violation of any rule or regulation made by the State Board of Embalming."

The amendment was adopted by the following vote:

Yeas—26

Aikin	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent

Beck

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senator Chadick offered the following amendment to the bill:

Amend S. B. No. 97, page 5, Section 7, Subsection S, paragraph 4, by striking out the following language in lines 39, 40, and 41:

"In such suit the burden shall be upon the plaintiff, or appellant, to show cause for the reinstatement of his license, and."

And substitute in lieu thereof the following:

"In such suit the burden of proof shall be upon the board to show cause why the reinstatement of such license should not be granted."

MARTIN,
CHADICK.

The amendment was adopted by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The bill (as amended) was passed.

Record of Vote

Senator Brownlee asked to be recorded as voting "nay" on the passage of the bill.

Senate Bill 121 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 121, A bill to be entitled "An Act to protect the public health by regulating the manufacture, baking, mix, compound, sale or offer for sale for human consumption of flour and bread as defined herein, and to require the enrichment of flour and bread by the addition of certain vitamins and minerals and to prescribe the methods of enrichment; authorizing the State Health Officer to change or add to the specifications for ingredients and amounts thereof; providing the method of enrichment; and authorizing the State Health Officer to prescribe rules and regulations as prescribed herein to carry out the provisions of this Act; authorizing the State Health Officer to determine the availability of the necessary ingredients; defining the terms used herein; fixing active enforcement date of this Act; and providing a penalty for violation of any Section of this Act."

The bill was read second time.

Senator Lovelady offered the following amendments to the bill:

(1)

Amend S. B. No. 121 Section No. 2, Division E, line 14, after the word "Bakers" by striking out the remainder of the paragraph and adding the following:

"Who elect to enrich their products by other means than by the use of enriched flour as provided in Section 4."

(2)

Amend the bill as follows:

(1) On page 1, line 35, the first complete word "thereof" should be "thereto."

(2) On page 2, line 37, after the last word "use" there should be inserted the words "or the use of."

(3) On page 2, line 61, the comma between the words "Food" and "Drug" should be deleted and the word "and" inserted in lieu thereof. After the word "Drug" the words "and Cosmetic Law (Act 142, 1936)" should be deleted as this is an erroneous reference to the Louisiana Law.

The amendments were adopted severally.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 121 by striking out Subsection "D" of Section 2, page 2.

The amendment was adopted.

The bill was passed to engrossment.

(President pro tempore Mauritz in the Chair.)

Senate Bill 121 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 121 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hazlewood
Beck	Jones
Brownlee	Lane
Bullock	Lanning
Chadick	Lovelady
Cotten	Martin
Graves	Mauritz

Metcalfe
Moffett
Moore
Morris
Ramsey
Shivers

Stone
Sulak
Vick
Weinert
Winfield
York

Absent—Excused

Fain
Formby
Kelley

Lemens
Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senators Brownlee and Aikin asked to be recorded as voting "nay" on the bill.

Senate Bill 122 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 122, A bill to be entitled "An Act to protect the public health by regulating the sale, distribution or possession of, and to require the enrichment of oleomargarine by the addition of vitamins; and specifying ingredients and authorizing the State Health Officer to change or add to the specifications for such ingredients, and to determine the availability thereof; fixing active enforcement date of this Act, and to fix penalties for the violation of same; fixing active enforcement date of this Act; repealing all laws or parts of laws inconsistent with this Act."

The bill was read second time.

Senator Lovelady offered the following amendments to the bill:

(1)

Amend S. B. No. 122, Section 1, line 19, after the word "pound" a new sentence to read:

"Oleomargarine is defined for the purpose of this Act in the Federal Register, Vol. 6, p. 2762-63, June 7, 1941."

(2)

Amend S. B. No. 122, Section 5, line 57, after the word "trade," a new sentence to read:

"Oleomargarine labeled in accordance with Federal Laws, rules and

regulations shall be deemed sufficient compliance with the laws, rules and regulations of the State of Texas."

The amendments were adopted severally.

The bill was passed to engrossment.

Senate Bill 122 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 122 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

(President in the Chair.)

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Chadick, and Brownlee asked to be recorded as voting "nay" on the passage of the bill.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

April 19, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred S. B. No. 350, have had

same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GRAVES, Acting Chairman.

Committee Room,
Austin, Texas,
April 19, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 446, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GRAVES, Chairman.

Message from the Governor

The following message from the Governor was received and was read to the Senate:

Austin, Texas,
April 19, 1943.

To the Senate of the Forty-eighth Legislature:

Complying with S. C. R. No. 47, I am returning herewith to the Senate, S. B. No. 43.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

House Bill 257 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 257, A bill to be entitled "An Act amending Article 2665, Revised Civil Statutes of the State of Texas, Acts of the Second Called Session, 1909, page 432, as amended by S. B. No. 117, providing formulas to be used by the State Board of Education in estimating the necessary amount to operate the schools for a period of not less than six (6) months; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following (committee) amendment to the bill:

Amend H. B. No. 257 by striking out all of the last phrase beginning at the semi colon (;) in next to the last line of Section 1 and insert in lieu thereof the following:

"Provided that the State per capita apportionment shall never exceed

Twenty-five (\$25.00) Dollars for any one scholastic year."

And amend the caption accordingly.

The (committee) amendment was adopted.

The bill was passed to third reading.

House Bill 257 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 257 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—1

Cotten

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Winfield
Lovelady	York
Martin	

Nays—3

Cotten
Moore

Weinert

Absent—Excused

Fain
Formby
Kelley

Lemens
Spears

Senate Bill 132 Tabled Subject to Call

On motion of Senator Bullock, S. B. No. 132 was tabled subject to call.

House Bill 256 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 256, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended Acts 1931, Forty-second Legislature, Second Called Session, page 53, Chapter 32, paragraph No. 1, as amended by S. B. No. 118, Acts Regular Session, Forty-sixth Legislature, 1939, providing that no rate for school purposes shall exceed the amount required to produce a total available school fund to pay an apportionment in excess of the amount prescribed in Article 2665, Revised Civil Statutes of Texas, as amended; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following (committee) amendment to the bill:

Amend H. B. No. 256 by striking out the words and figures "Twenty-seven Dollars and Fifty Cents (\$27.50)" wherever they appear and insert in lieu thereof "Twenty-five (\$25.00) Dollars."

The amendment was adopted.

The bill was passed to third reading.

House Bill 256 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 256 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin
Beck

Brownlee
Bullock

Chadick	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York
Moffett	

Nays—1

Cotten

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Winfield
Lovelady	York
Martin	

Nays—3

Cotten	Weinert
Moore	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senate Bill 133 Tabled Subject to Call

On motion of Senator Bullock, S. B. No. 133 was tabled subject to call.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 19, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 46, Authorizing certain corrections in S. B. No. 7.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Hour for Executive Session Set

Senator Brownlee, at 11:25 o'clock a. m., moved that the Senate hold an executive session at 11:30 o'clock a. m. tomorrow.

The motion prevailed.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 251, A bill to be entitled "An Act concerning trusts and trustees; providing for the creation of trusts and the regulation of trusts and trustees; listing the permissible purposes of trusts; defining terms; locating legal estate to trust property in certain types of trusts of realty; enumerating the methods of creation of trusts; reenacting Sections (a) and (b) of Article 7425 of the Revised Civil Statutes of Texas; providing for the deposit of trust funds by corporate trustees; regulating inter-trust transactions and transactions between trustees and their trusts; relating to the powers, duties and responsibilities of trustees in the management of trust properties, including investment of trust funds and the methods of allocating principal and income and apportioning expenses between tenants and remaindermen in cases not governed by trust instruments; defining the powers attached to the office of trustee and prescribing modes for the exercise of such powers, including the exercise thereof by co-trustees; fixing and delineating the tort and contractual liabilities of trustees and trust estates, providing for exoneration or reimbursement in the incurrence of certain of such liabilities, and prescribing a method whereby such liabilities may be enforced in the courts; enumerating the powers of trustors, including reserved powers, and beneficiaries; locating the legal estate of property subject to a trust and providing for the disposition of portions of legal or equitable estates not disposed of by the trust instrument; making provision for the death

of trustees, authorizing the removal of trustees in certain contingencies, and providing for the selection of substitute and successor trustees and enumerating their powers and duties; etc.; and declaring an emergency."

S. C. R. No. 47, Authorizing correction in enrolled copy of S. B. No. 43.

S. C. R. No. 44, Recalling H. B. No. 564 from the House.

H. C. R. No. 66, To grant W. F. Knippa permission to sue the State.

H. C. R. No. 36, Granting permission to the American National Bank to sue the State.

H. C. R. No. 108, Providing for joint session to hear an address by Governor Kerr.

S. B. No. 43, A bill to be entitled "An Act to authorize the State of Texas to institute suit to enjoin any person, firm or corporation, or their officers, agents or employees from receiving and collecting interest in excess of that authorized by law and from engaging in business of making loans whereon usurious interest is charged; etc.; and declaring an emergency."

Senate Bill 12 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 12, A bill to be entitled "An Act making the theft of pneumatic tires a felony, providing penalty therefor, exempting the provisions of this Act from the limitations set out in Article 776, 777, 778, 779, 780, and 781, Code of Criminal Procedure and Chapter 43, paragraph 4, Acts 1931, Forty-second Legislature; and declaring an emergency."

Senator Hazlewood offered the following amendment to the bill:

Amend S. B. No. 12 by striking out all of Section No. 2 thereof.

The amendment was adopted.

Senator Stone offered the following (committee) amendment to the bill:

Amend S. B. No. 12 by striking out the word "four" on line 6, of Section 1, page 1, and substituting in lieu thereof the word "ten."

On motion of Senator Hazlewood, the (committee) amendment was tabled.

Senator Hazlewood offered the following amendment to the bill:

Amend line 17, Section No. 1, of S. B. No. 12, by striking out the word "two," and inserting the word "one" in lieu thereof.

Senator Chadick offered the following substitute for the amendment:

Amend S. B. No. 12 by striking out in line 17 of the printed bill the following words:

"not less than two nor more than four years."

And in lieu thereof insert the following:

"not less than 3 months nor more than four years."

Question first recurring on the substitute, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—13

Aikin	Moffett
Chadick	Moore
Cotten	Morris
Lane	Vick
Lanning	Weinert
Martin	York
Mauritz	

Nays—13

Beck	Metcalf
Brownlee	Ramsey
Bullock	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Winfield
Lovelady	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas 22

Aikin	Lane
Beck	Lanning
Brownlee	Lovelady
Bullock	Martin
Graves	Mauritz
Hazlewood	Metcalf
Jones	Moffett

Moore	Vick
Morris	Weinert
Stone	Winfield
Sulak	York

Nays—4

Chadick	Ramsey
Cotten	Shivers

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senator Vick offered the following amendment to the bill:

Amend S. B. No. 12, Section 1, by striking out the entire Section and inserting in lieu thereof the following:

"Whoever shall steal any pneumatic tire designed for use by an automobile, truck, motorcycle or other similar conveyance of over the value of \$50.00 shall be guilty of a felony and shall be confined in the penitentiary for a period of not less than 1 or more than 4 years. Provided if said pneumatic tire be of less value than Fifty (\$50.00) Dollars he shall be confined in jail for a period of time of not less than 30 days and not more than six months or by fine of not exceeding Two Hundred (\$200.00) Dollars or by both fine and imprisonment."

Senator Stone moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15

Aikin	Moffett
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Winfield
Lanning	York
Metcalf	

Nays—10

Brownlee	Mauritz
Bullock	Moore
Cotten	Sulak
Lovelady	Vick
Martin	Weinert

Absent

Beck

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senator Weinert moved to table the bill.

Yeas and nays were demanded, and the motion to table the bill was lost by the following vote:

Yeas—10

Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Martin	Vick
Mauritz	Weinert

Nays—15

Aikin	Metcalf
Bullock	Moffett
Graves	Morris
Hazlewood	Stone
Jones	Sulak
Lane	Winfield
Lanning	York
Lovelady	

Absent

Beck

Fain	Lemens
Formby	Spears
Kelley	

On motion of Senator Stone, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended.

Question—Shall the bill be passed to engrossment?

Recess

On motion of Senator Ramsey, the Senate, at 12:10 o'clock p. m., took recess to 2:30 o'clock p. m. today.

Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

Conference Committee on Senate Bill 178

Senator Moore called S. B. No. 178 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Sen-

ate, and the House amendments were read.

Senator Moore moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the following conferees on the bill on the part of the Senate were appointed:

Senators Moore, Graves, Martin, Chadick, and Mauritz.

Conference Committee on Senate Bill 123

Senator Moore called S. B. No. 123 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moore moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate:

Senators Moore, Shivers, Ramsey, Stone, and Lane.

Conference Committee on Senate Bill 27

Senator Moore called S. B. No. 27 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moore moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the fol-

lowing conferees on the part of the Senate:

Senators Moore, Aikin, Bullock, Winfield, and Morris.

Senate Bill 351 on First Reading

Senator Beck moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Beck:

S. B. No. 351, A bill to be entitled "An Act amending Subsection 5, of Article 199, Revised Civil Statutes of Texas of 1925, as amended by Chapter 143, Acts 1937, Forty-fifth Legislature, as amended by Chapter 3, Acts 1939, Forty-sixth Legislature, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Judicial Districts.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,
April 19, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Judicial Districts to whom was re-

ferred S. B. No. 351, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Editorial

By unanimous consent, Senator Brownlee submitted at this time the following editorial from the "Austin American," which was read to the Senate:

Lawmaking in Times Like These Means Toil and Deep Responsibility

All of us are ready to criticize shortcomings we see in the war effort, and, even more freely, the things we don't like in shaping the civilian economy at home to a war status. It is a fine evidence of democracy at work that we do have the free use of this right to criticize, and that people are enough interested to invoke it.

We are pretty well agreed that the war has to be run by somebody—that it couldn't be carried on successfully by everybody having a part in its direction—and so most people are fair-minded enough to say that even if the war department isn't doing it like they would, probably it is doing the best it knows how. And somehow on the whole is achieving a whole lot without the reckless waste of American lives that might have given spectacular temporary victories.

Reserving and maintaining the right to criticize, to judge and evaluate and to protest, we should extend this principle still further.

Somebody has got to run a lot of State departments for Texas, and this group of people has many and varied important public duties. Their work is done in public, subject to the critical eye of everyone. But if they don't do it, the sideline critics can't. The presumption should be accepted that they are performing public duties in a conscientious way.

More to the point, a legislative session is approaching its close which has dealt with numerous important public matters of policy. In any body of nearly 200 Members, there will be diversity of opinion, and it is a for-

tunate thing. In bodies of this size, the majority decision one day will appeal to an individual citizen as just right, wise and statesmanlike, but next day he will consider some majority course deserving of sharp criticism.

Few people fully recognize the difficulty of the job of legislation, or the toil it takes, the demands that tax the skill and endurance of people to keep up with all the thousands of angles and multitudinous changes and developments. Still fewer realize the broad knowledge it takes of almost every field of endeavor, the deep understanding of economics, the specific knowledge of a dozen technical fields of finance and administration, to meet in a mature way the demands for the best possible product of a session.

Texas legislators serve at a personal sacrifice. Normally, the elected Member has to leave his job, his business or his law practice and lose his normal income during the session. His compensation is about enough to pay his living expenses, with nothing for either the next campaign or the loss of business or law practice sustained while he is away from home.

Through these weeks, a lawmaker has to be at his desk by 8:00 o'clock in the morning. If he hurries, he gets most of his mail answered by the time the session starts. A committee meeting on adjournment and another early in the afternoon carry through until the afternoon session starts. That lasts until 5:30 or 6:00, then a series of committee hearings starts at 7:30, or a night session at 8:00 o'clock, lasting on anywhere from 11:00 o'clock until far past midnight. Next morning the same grind starts over.

Something like 700 bills have been reviewed by committees of this session. The House will have debated and acted on probably 400 different subjects. The Member makes a record that goes into the books on virtually every matter, a record which anybody any time can go back any time and pick out an isolated vote as a target of attack.

Why people want to take the punishment it involves is something hard to understand; but democracy is a safe and sure going concern as long

as people are willing to work at it as they do.

This Legislature is making a record that will stand up well in comparison with anything in recent times. It is singular in the high average record of serious, determined effort, its serious-minded recognition of the demands imposed by unusual conditions and the exceptional responsibility of lawmaking service in these times.

On the whole, it is coming through with a sound product, constructive, not destructive, a session achievement that embodies a lot of hard thinking and a vast amount of hard work.

On motion of Senator Moffett, the editorial was ordered printed in the Journal.

Leave of Absence Granted

Senator Martin was granted leave of absence for the balance of today on account of important business, on motion of Senator Metcalfe.

Senate Bill 12 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 12, prescribing the penalty for theft of a pneumatic tire, on its passage to engrossment.

Senator Chadick offered the following amendment to the bill:

Amend S. B. No. 12, line 15 of the printed bill by inserting the word "tractor" following the word "truck."

The amendment was adopted.

Senator Chadick offered the following amendment to the bill:

Amend S. B. No. 12, Section No. 1 by striking out the following words and phrases:

"and shall be confined in the penitentiary for a period of not less than two nor more than four years"

And insert in lieu thereof:

"and upon conviction shall be confined in the county jail not less than 90 days nor more than one year or confined in the State penitentiary for not more than four years."

The amendment was adopted by the following vote:

Yeas—14

Beck	Graves
Chadick	Jones
Cotten	Lanning

Lovelady	Sulak
Mauritz	Vick
Moffett	Weinert
Shivers	Winfield

Nays—9

Aikin	Morris
Brownlee	Ramsey
Bullock	Stone
Hazlewood	York
Lane	

Absent

Moore

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Paired

Senator Metcalfe (present), who would vote "nay" with Senator Martin (absent), who would vote "yea."

On motion of Senator Stone, and by unanimous consent, the remaining Sections of the bill were ordered renumbered to run consecutively.

The bill was passed to engrossment by the following vote:

Yeas—21

Aikin	Mauritz
Beck	Moffett
Brownlee	Morris
Bullock	Shivers
Chadick	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Nays—2

Cotten	Ramsey
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Absent

Moore

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Paired

Senator Metcalfe (present), who would vote "yea" with Senator Martin (absent), who would vote "nay."

Senate Bill 12 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Metcalf
Beck	Moffett
Brownlee	Morris
Bullock	Ramsey
Chadick	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Mauritz	

Nays—1

Cotten

Absent

Moore

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—20

Aikin	Lovelady
Beck	Mauritz
Brownlee	Moffett
Bullock	Morris
Chadick	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York

Nays—2

Cotten Ramsey

Absent

Moore Shivers

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Paired

Senator Metcalfe (present), who would vote "yea" with Senator Martin (absent), who would vote "nay."

Senate Bill 54 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 54, A bill to be entitled "An Act to amend Article 1176 of the Penal Code of Texas, prescribing new and additional requirements for peace officers and persons having prisoners in their custody, towards and relating to such prisoners; prescribing a penalty for violation thereof; and declaring an emergency."

The bill was read second time.

Senator Ramsey offered the following (committee) amendment to the bill:

Amend S. B. No. 54 by adding after the word "unknown" in line 10, the following:

"except in such cases where it appears that the prisoner or prisoners are being threatened with or are in danger of mob violence."

The (committee) amendment was adopted.

The bill was passed to engrossment.

Senate Bill 54 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lanning
Beck	Lovelady
Brownlee	Mauritz
Bullock	Moffett
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick

Weinert York
Winfield

Nays—1

Metcalfe

Absent

Moore

Absent—Excused

Fain Lemens
Formby Martin
Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Chadick, Hazlewood, and Metcalfe asked to be recorded as voting "nay" on the bill.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,
April 19, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Penitentiaries to whom was referred H. B. No. 330, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Vice Chairman.

Senate Bill 182 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 182, A bill to be entitled "An Act declaring the floods of Colorado County, Fayette County, and Jackson County, Texas, to be a public calamity; authorizing a donation and grant to Jackson County Flood Control District of one-half ($\frac{1}{2}$) of the State ad valorem taxes collected in Jackson County; authorizing a donation and grant to Fayette County Flood Control District of one-half ($\frac{1}{2}$) the State ad valorem taxes collected in Fayette County; authorizing a donation and grant to Colorado County Flood Control District of one-

half ($\frac{1}{2}$) of the State ad valorem taxes collected in Colorado County; providing that such taxes donated to shall be used for flood control improvement and maintenance purposes; specifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by the pledge of funds donated and granted by the State; describing the manner of issuance thereof; providing that this Act shall be severable; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 182 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 182 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—18

Beck	Lanning
Brownlee	Lovelady
Bullock	Mauritz
Chadick	Metcalfe
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert

Nays—4

Aikin	Winfield
Morris	York

Absent

Moffett	Shivers
Moore	

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 182 by striking out the last word "to" in line 14 of page 1, in the caption.

The amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—14

Brownlee	Mauritz
Bullock	Metcalf
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Lanning	Sulak
Lovelady	Vick

Nays—8

Aikin	Lane
Beck	Morris
Cotten	Winfield
Jones	York

Absent

Moffett	Weinert
Moore	

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

(Senator Aikin in the Chair.)

Motion to Set Senate Bill 172 as Special Order

Senator Bullock moved that S. B. No. 172 (the multiple textbook bill) be set as a special order for tomorrow immediately after the conclusion of the morning call.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Aikin	Lovelady
Brownlee	Metcalf
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Hazlewood	Stone
Lane	Sulak
Lanning	

Nays—8

Graves	Vick
Mauritz	Weinert
Moffett	Winfield
Moore	York

Absent

Beck	Jones
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Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

Telegram to Honorable Prentiss Brown

Senator Shivers, by unanimous consent, submitted the following motion in writing:

Mr. President: I move the Secretary of the Senate be instructed to send a telegram to Honorable Prentiss Brown, Office of Price Administration, stating that the Senate of Texas reaffirms its views in behalf of an increase in price of oil as expressed by its adoption of H. C. R. No. 16 on February 1, 1943.

SHIVERS.

The motion prevailed.

Senate Bill 93 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 93, A bill to be entitled "An Act amending Section 17 of Chapter 126 of the Acts of the Regular Session of the Forty-fourth Legislature as amended by Chapter 505 of the Acts of the Third Called Session of the Forty-fourth Legislature; amending Section 17A of Chapter 126 of the Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 505 of the Acts of the Third Called Session of the Forty-fourth Legislature, as amended by S. B. No. 493, Acts of the Regular Session of the Forty-sixth Legislature, as amended by Chapter 174 Acts of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 93 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 93 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—18

Aikin	Bullock
Brownlee	Chadick

Graves	Metcalf
Hazlewood	Moffett
Jones	Moore
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Mauritz	Winfield

Nays—4

Cotten	Ramsey
Morris	Weinert

Absent

Beck	York
Shivers	

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—14

Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Graves	Shivers
Hazlewood	Stone
Lanning	Sulak
Lovelady	Vick

Nays—9

Aikin	Morris
Cotten	Ramsey
Jones	Weinert
Lane	Winfield
Moore	

Absent

Beck	York
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Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

Senate Bill 147 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 147, A bill to be entitled "An Act making an appropriation of the sum of \$43,850.00 out of the General Fund in the State Treasury

not otherwise appropriated for the Agricultural and Mechanical College of Texas for the establishment and maintenance of an agricultural experimental station for the development of dairy, poultry and truck crops in the First Senatorial District of Texas, said authority having been given said Agricultural and Mechanical College of Texas in H. B. No. 670, passed during the Regular Session of the Forty-seventh Legislature of Texas."

The bill was read second time.

Senator Beck offered the following amendment to the bill:

Amend S. B. No. 147, line 59, by striking out the figure "\$35,750.00," and inserting in lieu thereof the figure "\$43,850.00."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 147 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 147 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert

Nays—1

Winfield

Present—Not Voting

Cotten

Absent

York

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Cotten asked to be recorded as voting "nay" on the passage of the bill.

Committee Substitute Senate Bill 329 on Second Reading

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.S.B. No. 329, A bill to be entitled "An Act to provide for the cost of transferring property of units of the Texas National Guard from the armories where now stored to storage at Camp Mabry, Austin, Texas, by making available for the purpose money already appropriated to the Texas National Guard Armory Board under item 7 of the appropriation to such board as set out in Chapter 571 on page 1205 of General and Special Laws of the Forty-seventh Legislature of Texas; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Lanning offered the following amendment to the bill:

Amend S. B. No. 329 as follows:

Add to the end of Section 1 the following:

"Provided that any balance left in the fund at September 1, 1943, shall revert to the General Fund and that no obligation shall be incurred against the \$8,000.00 appropriation to be effective after September 1, 1943, and provided no salaries paid from this fund shall exceed salaries paid like or similar positions in the Departmental bill."

The amendment was adopted.

The bill was passed to engrossment.

Committee Substitute Senate Bill 329 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 329

be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Mauritz	

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Mauritz	

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 19, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of

a Conference Committee on S. B. No. 155.

The following have been appointed on the part of the House:

Little, Flewellen, Green, Isaacks, and Carrington.

The House has granted the request of the Senate for the appointment of a Conference Committee on S. B. No. 159.

Conferees: Mangum, Chambers, Fuchs, Mrs. Fenley, and Hutchins.

The House has granted the request of the Senate for the appointment of a Conference Committee on S. B. No. 256.

Conferees: Deen, Pigg, Leonard, Hobbs, and Moore of Harris.

The House refused to concur in Senate amendments to H. B. No. 368 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House conferees: Hoyo, Benton, Goodman of Tarrant, Moore of Bonham, and Ridgeway.

The House has concurred in Senate amendments to H. B. No. 299 by a vote of 117 yeas, 0 nays.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Committee Substitute Senate Bill 82 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. No. 82, A bill to be entitled "An Act providing for the addition of a new Article to be numbered 2960a, immediately following Article 2960 of the Revised Civil Statutes of the State of Texas of the year 1925 codification, under Chapter 5 of Title 50 thereof, entitled Elections, which shall exempt all nurses and members of the Women's Army Auxiliary Corps, members of the Women's Auxiliary Volunteer Emergency Service, and all members of the armed forces of the United States of America who have served, or are now serving, or who may, after the passage of this Act, serve as a member of such armed forces during what is commonly known as World War Number Two, being the war now being prosecuted by the United States

of America against what are commonly known as the Axis Powers, and which was entered into by the United States of America on or shortly after December 7, 1941, and exempting payment of poll tax."

The bill was read second time and was passed to engrossment.

Committee Substitute Senate Bill 82 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that C.S.S.B. No. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsev
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Mauritz	

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Mauritz	

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

Senate Bill 100 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 100, A bill to be entitled "An Act amending Article 333 of the Code of Criminal Procedure of the State of Texas of the year 1925 codification so as to permit the appointment of not less than three nor more than five persons to perform the duties of Jury Commissioners; and also amending Article 339 of said Code of Criminal Procedure so as to make failure to pay a poll tax no disqualification for serving as a grand juror; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend S. B. No. 100 by striking out all of paragraph No. 1 under Section No. 2 and by inserting in lieu thereof the following:

"1. He must be a citizen of the State and of the county in which he is to serve, and qualified under the Constitution and laws to vote in said county; provided, that his failure to pay a poll tax as required by law shall not be held to disqualify him for grand jury service."

Senator Ramsey offered the following substitute for the amendment:

Amend S. B. No. 100, by striking Section 2.

The substitute was adopted by the following vote:

Yeas—13

Aikin	Moffett
Beck	Morris
Brownlee	Ramsey
Bullock	Vick
Cotten	Weinert
Graves	Winfield
Jones	

Nays—12

Chadick	Metcalf
Hazlewood	Moore
Lane	Shivers
Lanning	Stone
Lovelady	Sulak
Mauritz	York

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

The amendment as substituted was adopted.

On motion of Senator Moore, the Sections of the bill were ordered re-numbered to run in consecutive numerical order.

On motion of Senator Moore, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended.

The bill was passed to engrossment.

Senate Bill 100 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 100 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Mauritz	

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Cotten
Beck	Graves
Brownlee	Hazlewood
Bullock	Jones
Chadick	Lane

Lanning	Shivers
Lovelady	Stone
Mauritz	Sulak
Metcalfe	Vick
Moffett	Weinert
Moore	Winfield
Morris	York
Ramsey	

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

**Committee Substitute Senate Bill 169
on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. No. 169, A bill to be entitled "An Act to amend Section 21 of Article 695c, of the Revised Civil Statutes of the State of Texas of the year 1925 codification, Chapter 8, under Title 20, being the Public Welfare Act of 1941, also being H. B. No. 611 passed by the Regular Session of the Forty-seventh Legislature of the State of Texas, by adding a new Section thereto to be known as Subsection 21a providing that the Department of Public Welfare shall not consider income derived in payment of labor actually performed or service rendered by the recipients of old age assistance where the total amount for any calendar year does not exceed \$250.00; and declaring an emergency."

The bill was read second time.

Senator Morris moved that further consideration of the bill be postponed until Friday, April 23, 1943, immediately after the morning call on that day.

Question—Shall the motion to postpone prevail?

Senate Bill 279 on Second Reading

On motion of Senator Vick, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 279, A bill to be entitled "An Act making specific appropriation out of the State Highway Fund in the State Treasury, not otherwise appropriated, to pay a judgment obtained by Mrs. J. W. Taylor, a widow, against the State of Texas, under the authority of H. C. R. No. 39, passed by the Legislature in March, 1937,

which authorized her to sue the State of Texas for the recovery of damages resulting from the overflow of her land, arising out of the construction of the highway loop around the City of Waco, McLennan County; directing the Comptroller of the State of Texas to issue warrant on the State Treasury in favor of Mrs. J. W. Taylor in the sum of \$1,500.00, and in favor of the Clerk of the Court of Civil Appeals at Waco, Texas, in the sum of \$274.80, and in favor of R. V. McClain, Clerk of the District Court of McLennan County, in the sum of \$307.85 court costs; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 279 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 279 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Mauritz	

Absent—Excused

Fain	Lemens
Formby	Martin
Kelley	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Adjournment

Senator York moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 5:00 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FIFTY-FIFTH DAY

(Tuesday, April 20, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator York was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Senate Resolution 80

Senator Jones offered the following resolution:

Whereas, Former Senator S. B. Cowell of Whitesboro, Texas, has been a resident of Texas for Forty-one years; and

Whereas, Senator Cowell served his State with unusual distinction and ability as a Member of the State Senate during the Thirty-third and Thirty-fourth Legislatures, and later

as the first Chairman of the State Board of Control and of the Board which located the Texas Technological College at Lubbock, Texas, and he enjoyed the entire trust, confidence, and admiration of all his colleagues; and

Whereas, On Tuesday, April 27, 1943, Senator Cowell will have reached another milestone in his journey through life; and

Whereas, It is the desire of the Membership of the Senate to extend to Senator Cowell special greetings, and to wish for him many more "Happy Birthdays"; now, therefore, be it

Resolved, That a copy of this resolution be transmitted by the Secretary of the Senate to this distinguished gentleman.

The resolution was read; and on motion of Senator Jones, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Committee Substitute Senate Bill 169 on Passage to Engrossment

The President laid before the Senate, as the unfinished business, on its passage to engrossment (the bill having been read second time on yesterday):

C.S.S.B. No. 169, A bill to be entitled "An Act to amend Section 21 of Article 695c, of the Revised Civil Statutes of the State of Texas of the year 1925 codification, Chapter 8, under Title 20, being the Public Welfare Act of 1941, also being H. B. No. 611 passed by the Regular Session of the Forty-seventh Legislature of the State of Texas, by adding a new Section thereto to be known as Subsection 21a providing that the Department of Public Welfare shall not consider income derived in payment of labor actually performed or service rendered by the recipients of old age assistance where the total amount for any calendar year does not exceed \$250.00; and declaring an emergency."

With motion by Senator Morris to postpone further consideration of the bill until Friday, April 23, 1943, immediately after the conclusion of the morning call on that day, pending.

Senator Cotten moved that further consideration of the bill be postponed until Tuesday, April 27, 1943, im-